

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KASSA MENGITSU)
)
v.) NO. 3-10-0856
) JUDGE CAMPBELL
BANK OF AMERICA, INC.)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 99), Objections filed by the Defendant (Docket No. 104), and Plaintiff's Request for Appointment of Counsel (Docket No. 102).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, and the file. The Report and Recommendation is adopted and approved. Therefore, Defendant's Motion for Summary Judgment (Docket No. 74) is GRANTED in part and DENIED in part.

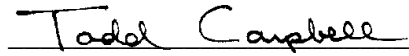
Plaintiff's claims under the Fair Credit Reporting Act, the HAMP Act, for intentional infliction of emotional distress, and for libel related to information provided to consumer reporting agencies about Plaintiff's mortgage payment history are DISMISSED.

Plaintiff's remaining claims are state law claims for unjust enrichment and libel related to information provided to Plaintiff's homeowner's insurance policy. Pursuant to 28 U.S.C. § 1367(c)(3), having dismissed all federal claims, the Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims.

Accordingly, Plaintiff's state law claims for unjust enrichment and libel related to information provided to Plaintiff's homeowner's insurance policy are DISMISSED without prejudice to being re-filed in state court.

Therefore, Plaintiff's request for appointment of counsel (Docket No. 102) is denied as moot, and Defendant's Objection to the Report and Recommendation is also moot.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE